

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

THOMAS LEE PELZER, #311633,)	
Plaintiff,)	
vs.)	
LEROY CARTLEDGE; LINDA FREEMAN;)	C.A. No. 2:10-cv-1104-RMG-RSC
DR. ALLEN; T. HOLIDAY;)	
IRIS MCBRIDGE; and JON OZMINT,)	
Defendants.)	<u>REPORT AND RECOMMENDATION</u>

The plaintiff brought this action seeking relief pursuant to 42 U.S.C. § 1983. On November 16, 2010, Defendant Dr. Allen filed a motion for summary judgment. By order of this court filed November 18, 2010, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of dismissal and summary judgment procedures and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding pro se, the court filed a second order on January 11, 2011, giving the plaintiff an additional ten days in which to file his response to the motion for summary judgment. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff did not respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

Respectfully submitted,

Robert S. Carr

ROBERT S. CARR
UNITED STATES MAGISTRATE JUDGE

Charleston, South Carolina

February 4, 2011